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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,288	12/29/2000	John R. Stefanik	00335	8905
7590	06/18/2004		EXAMINER	
Jonathan C. Parks Kirkpatrick & Lockhart LLP 535 Smithfield Street Pittsburgh, PA 15222			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 06/18/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/751,288	STEFANIK, JOHN R.
	Examiner	Art Unit
	Johnny Ma	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 December 2000.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 5,11,12.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "Housing 32" and "Input Device 36" of Figure 2; "Housing 122" and "Input Device 126" of Figure 5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-~~8~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Margulis (US 2001/0021998 A1).

As to claim 1, note the Margulis reference that discloses an apparatus and method for effectively implementing a wireless television system. The claimed remote control device including a processor is met by CPU 712 as illustrated in Figure 7. The claimed "a remote control receiver in communication with processor" is met by IR Subsystem 758 and RF

Subsystem 724 as illustrated in Figure 7. The claimed “an input device in communication with the processor” is met by “...a system user may supply desired component control information to I/O controller 728 by using controls and lights 746...” (Margulis [0080]). The claimed “ an output device in communication with the processor” is met by screen 212 and speakers 770 and lights 746 as illustrated in Figure 7. The claimed electronic device including “a receiver for receiving signals from the remote control device” is met by IR transmitter/receiver 644 and RF transmitter/receiver 640 of base station subsystem as illustrated in Figure 6. The claimed “telephonic device and a transmitter in communication with the telephonic device, the transmitter for transmitting data from the telephonic device to the remote control device” is met by “[a] user may likewise receive a telephone communication via remote TV 158 while simultaneously viewing a caller ID display, or may similarly utilize wireless television system to interact with an Internet browser program” (Margulis [0092]) wherein a telephonic device is inherent to the receipt of a voice call.

As to claim 2, the claimed “wherein the output device includes at least one of a speaker and a light source” is met by remote TV speakers (Margulis [0078]) and controls and lights (Margulis [0080]).

As to claim 3, the claimed “wherein the remote control receiver includes at least one of an infrared receiver, a radio frequency receiver, and a microwave receiver” is met by RF 724 and IR 758 transmitter/receivers as illustrated in Figure 7.

As to claim 4, the claimed “wherein the data includes call receipt data” is met by the receipt of caller ID information (Margulis [0092]).

As to claim 5, the claimed “wherein the call receipt data include caller identification data,” please see rejection of claim 4.

As to claim 6, the claimed “wherein the transmitter includes at least one of an infrared transmitter, a radio frequency transmitter, and a microwave transmitter” is met by IR transmitter 644 and RF transmitter 640 as illustrated in Figure 6.

3. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US 6,484,011 B1).

As to claim 8, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device. The claimed remote control device including a processor is met by microprocessor 32 as illustrated in Figure 2. The claimed “a remote control receiver in communication with the processor” is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed “an input device in communication with the processor” is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. The claimed “an output device in communication with the processor” is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. The claimed an electronic device including “a receiver for receiving signals from the remote control device” is met by IR or RF wireless link to the remote control (Thompson et al. 3:53-61). The claimed “an electronic program guide; and a transmitter in communication with the electronic program guide, the transmitter for transmitting data from the electronic program guide to the remote control device” is met by IR or RF wireless link to the remote control (Thompson et al. 3:53-61) wherein “[i]n the operation of the annunciator 10, a signal is received either by the IR receiver 34 or the RF receiver 36 and such signal contains selected information, typically including an advertisement”

(Thompson et al. 5:48-51) and the display of TV programming for a particular channel or time period as shown in Fig. 9 (Thompson et al. 6:10-16).

As to claim 9, the claimed “wherein the data include television program start times” is met by program start times displayed on annunciator as illustrated in Figure 9.

As to claim 10, the claimed “further comprising a telephonic device in communication with the transmitter” is met by “[i]t will be understood that the host device with which the annunciator 10 communicates, either by IR (34, 35) or by RF (36,37), to receive or transmit information, can be a cable decoder box, a satellite decoder box, a telephone company decoder box, a television set or a computer” (Thompson et al. 6:9-13).

As to claim 11, the claimed “wherein the output device includes at least one of a speaker and a light source” is met by LCD display and speaker 50 (Thompson et al. 5:39-42) and back-lighting to illuminate the visual display or sound producing circuitry (Thompson et al. 7:47-50). Also note the rejection of claim 8 regarding the remote control LCD screen and speaker.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (US 2001/0021998 A1) in further view of Bellamy (US 2001/0000826 A1).

As to claim 7, the claimed "wherein the telephonic device includes a speaker phone." Note the Margulis reference discloses the receipt of a telephone communication via remote TV and the simultaneous viewing of caller ID display wherein a telephonic device associated with the wireless television system is inherent to such a capability. However, the Margulis reference is silent as to the type of telephonic device used. Now note the Bellamy reference that discloses an integrated video system. The claimed telephonic device includes a speaker phone is met by telephone interface coupled to enhanced set top box 5 including speaker phone as illustrated in Figure 1 (Bellamy [0025]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Margulis telephonic device (if necessary) with the Bellamy telephonic device including speakerphone for the purpose of providing a user the well known convenience of having a hands free telephone conversation with another party.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Farwell reference (US 5,650,831) discloses an adjustable power remote control drive with cordless telephone capabilities.

The Shintani et al. reference (US 6,532,592 B1) discloses a bi-directional remote control unit and method of using the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600